

REMARKS

Claims 43-60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirowo Inoue (U.S. Patent No. 6,273,535, hereinafter, "Inoue") in view of Kimitaka Murashita (U.S. Patent No. 6,504,950, hereinafter, "Murashita"). By this amendment, while claim 44 is amended as to matter of form, independent claims 43, 50 and 57 are amended without adding any new matter. Specifically, claim 43 includes the limitations, "developing a device profile based at least in part on the conditions of image capture" and "transferring said graphical object and associated device profile from said imaging device to dynamically generate an automatic profile." Support for these limitations can be found in the Applicants' Specification on page 2, in the Summary section.

The Inoue and Murashita references, considered either alone or in combination fail to teach or otherwise suggest developing a device profile based at least in part on the conditions of image capture and transferring the graphical object and associated device profile from the imaging device to dynamically generate an automatic profile. Absent a specific hint or a suggestion as to these limitations involving conditions of image capture and dynamic generation of a profile in an automatic fashion, claim 43 cannot be rendered obvious to one ordinarily skilled in the art. Therefore, claim 43 and the claims depending therefrom are in condition for allowance, which is respectfully requested of the Examiner.

In contrast, the Inoue reference fails to show dynamically generating an automatic profile. Moreover, in the Murashita reference the profile creation is based on user selection, for example, selecting a gray-scale image patch of the brightness closest to the brightness of the pattern image displayed on the display device. However, in claim 43, the automatic profile is dynamically generated rather it is created in part by user's selection based on estimation of an image capture characteristic. For example, in the Murashita reference, a user selects using the user selection unit 16 (18) a gray-scale image patch of the brightness closest to the brightness of the pattern image displayed on the display device 14 for the profile creation apparatus 21. Based on the displayed images, input/output characteristic of the display is obtained, and the profile of the display is created based on the obtained input/output characteristic. In other words, user develops a device profile to adopt the image for the intended display, generating the device profile at the display for the associated output device.

However, with the claimed invention in claim 43, an automatic profile is dynamically generated. This automatic profile accounts for the conditions of the image capture for the graphical object. Accordingly, as amended, claim 43 patentably distinguishes over the cited art and is in condition for allowance.

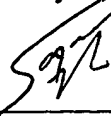
The Examiner concedes that the Inoue reference does not explicitly indicate deriving a device profile based at least on the conditions of image sensor and transferring the graphical object and associated device profile from the digital imaging device. Therefore, in view of the above remarks even if the teachings of Inoue are modified with the teachings of Murashita, the limitations of claim 43 do not result because neither the Inoue reference nor the Murashita reference teaches or even remotely suggests dynamic generation of an automatic profile and that a device profile is developed based at least in part on the conditions of image capture.

Absent any hint or a specific citation or language in the Inoue and Murashita references as to these limitations, the Examiner is respectfully requested to withdraw the § 103 rejections of claim 43. For at least the reasons that claims 44-49 depend on a now allowable independent claim 43, the dependent claims are in condition for allowance as well.

Claim 50 is an article claim corresponding to the method of independent claim 43 which for at least the same reasons set forth above in the context of claim 43 is allowable. The system of claim 57 in light of the above remarks as to claim 43 is also in condition for allowance for at least that reason alone. The Examiner is however requested to consider all pending claims.

In view of these amendments and remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,



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